

ORDINANCE NO. 558

Repealing and Recreating Section 202-1 of the Code of the Village of Waterford to Adopt the Statewide Smoking Ban, to Amend the Provisions for the Use of other Forms of Tobacco, and to Establish Penalties

The Village Board of the Village of Waterford, Racine County, Wisconsin, do ordain as follows:

I. That Chapter 202 of the Code of the Village of Waterford, Racine County, Wisconsin, **Tobacco Products**, section 202-1, Use Prohibited on School Grounds and Within Public Buildings, is hereby repealed and recreated as follows:

202-1 Statewide Smoking Ban Adopted; Use of Any Form of Tobacco Prohibited on School Grounds and Within Public Buildings.

- A. Statewide Smoking Ban. Wisconsin Statute s. 101.123, Smoking Prohibited, is hereby adopted as though fully set forth herein in order to protect the health and comfort of the public, pursuant to Wis. Stat. s. 101.123(4m). The prohibition against smoking in enclosed places set forth in Wis. Stat. s. 101.123, effective on July 5, 2010, includes, but is not limited to, smoking in enclosed: public places, places of employment, day care centers, educational facilities, theaters, restaurants, taverns, private clubs, retail establishments, common areas of certain multiple-unit residential properties, lodging establishments, and public buildings. The statute also imposes responsibilities on persons in charge of the listed sites, including but not limited to: requiring that persons in charge may not allow smoking, and persons in charge must make reasonable efforts to prohibit persons from smoking in those sites by posting signs, refusing to serve persons who are smoking in restaurants, taverns and private clubs, asking persons to refrain from smoking or leave the premises, and notifying law enforcement of violations if persons refuse to leave the premises.
- B. Use of Any Form of Tobacco Prohibited on School Grounds. No person shall chew, ingest or in any other way use tobacco products of any nature in the buildings or on the grounds of real property owned by the Waterford Union High School District or the Waterford Grade School District Joint Number 1 located within the corporate limits of the Village.
- C. Use of Any Form of Tobacco Prohibited Within Public Buildings. No person shall chew, ingest or in any other way use tobacco products of any nature in any public building owned or occupied by the Village and located within the corporate limits of the Village.

II. That the Village of Waterford Deposit Schedule shall be amended as follows to show base deposit amounts for the offenses above, as follows:

202-1A	<i>Adopting State Statute 101.123</i>	
	101.123(2) Smoking in a Prohibited Place-First Offense	\$100.00
	Subsequent violation	\$250.00
	101.123(2m)(b) to (d) Violation of responsibility of a person	

in charge-First Offense
Subsequent violation

Warning
\$100.00

(Total for all violations in a single day shall not exceed \$100.00)

Applicable costs and fees shall be added to these base deposit amounts and shall be reflected in the Deposit Schedule. The penalty surcharge, crime lab and drug enforcement surcharge, and jail surcharge shall not be applicable unless required by state law.

202-1B Use of Any Form of Tobacco on School Grounds \$20.00

202-1C Use of Any Form of Tobacco in Muni Building \$20.00

Applicable costs and fees shall be added to these base deposit amounts and shall be reflected in the Deposit Schedule.

III. It is further ordained that this ordinance shall become effective from and after its passage and publication as required by law. All other language as contained in Chapter 202 of the Code of the Village of Waterford shall remain without change and in full force and effect.


Introduced: 6/28/10

Passed and adopted: 7/12/10

BY ORDER OF THE VILLAGE BOARD


David Richmond, President

ATTEST:


Vikki L. Zuehlke, Clerk